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this Memorandum Decision shall not be  
regarded as precedent or cited before  
any court except for the purpose of  
establishing the defense of res judicata,  
collateral estoppel, or the law of the case.

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**IN THE  
COURT OF APPEALS OF INDIANA**

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GREGORY S. DAVIS,  
  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
  
Appellee-Plaintiff.

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No. 27A04-0603-CR-152

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APPEAL FROM THE GRANT SUPERIOR COURT  
The Honorable Jeffrey D. Todd, Judge  
Cause No. 27D01-9711-CF-93

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**October 18, 2006**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**ROBB, Judge**

### Case Summary and Issue

Gregory Davis appeals from the sentencing court's imposition of a fifty-five year sentence after he pled guilty to murder. He argues that the sentence is improper due to lack of weight given by the sentencing court to mitigating circumstances, and that the sentence is inappropriate. Because the sentencing court imposed the presumptive sentence, and because Davis's character and the nature of the offense do not warrant revision of the sentence, we affirm.

### Facts and Procedural History

On November 11, 1997, the body of Michelle Pierce was discovered in her home, covered with a blanket, on which was a note reading, "Michelle and Steve Jackson got caught making love. I am sorry for the mess I done." Appellant's Appendix at 66. Pierce suffered approximately thirty-two stab wounds and blunt force trauma to her head, causing her death. Davis had lived with Pierce as her boyfriend for approximately thirteen years. He had a warrant for a probation violation, and was subsequently arrested in Dallas, Texas, on November 24, 1997. There, during an interview, he confessed to killing Pierce after discovering her and Jackson together, and then covering her body and leaving the note.

The State charged Davis with murder two days later, and on July 27, 1997, he entered into a plea agreement. In exchange for the maximum executed sentence being capped at fifty-five years, Davis agreed to plead guilty to murder. The sentencing court accepted the plea agreement, and on August 17, 1998, sentenced Davis to fifty-five years imprisonment. Davis later petitioned for permission to file a belated notice of appeal, which was granted on

December 8, 2005. He filed a Notice of Appeal the same day, and the case is now properly before us.

### Discussion and Decision

Davis argues that the sentencing court failed to consider and give weight to three mitigating factors: his guilty plea, his remorse, and that he acted in sudden heat when he killed Pierce. Sentencing decisions are within the sentencing court's discretion and will be reversed only for an abuse of discretion. Comer v. State, 839 N.E.2d 721, 725 (Ind. Ct. App. 2005), trans. denied. At the time of sentencing, Indiana Code section 35-50-2-3(a) stated that the crime of murder was punishable "for a fixed term of fifty-five (55) years, with not more than ten (10) years added for aggravating circumstances or not more than ten (10) years subtracted for mitigating circumstances." Here, the court imposed the presumptive fifty-five-year sentence for murder, although it was the maximum sentence under the plea agreement. "A trial court must set forth its reasoning only when deviating from the statutory presumptive sentence," and therefore need not specify any aggravating or mitigating circumstances. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006). As a result, we cannot say the sentencing court improperly sentenced Davis.

Additionally, Davis asks us to exercise our authority to review and revise his sentence, which we may do if, after due consideration of the sentencing court's decision, we find that the sentence is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). We exercise great restraint in doing so, recognizing the special expertise of the trial bench in making sentencing decisions. Scott v. State, 840

N.E.2d 376, 381 (Ind. Ct. App. 2006), trans. denied.

A presumptive sentence is the “starting point the Legislature has selected as an appropriate sentence for the crime committed.” Childress, 848 N.E.2d at 1081. The nature of Davis’s offense is particularly violent, having repeatedly stabbed and beat his longtime live-in girlfriend to death. Davis’s character is reflected by this act, and by his criminal history, which is not immediately significant to this crime but is ongoing. Therefore, we cannot say that a fifty-five-year sentence is inappropriate in light of Davis’s offense or his character.

#### Conclusion

We affirm the sentencing court’s proper imposition of the presumptive sentence for murder upon Davis, which is not inappropriate given the nature of the offense and Davis’s character.

Affirmed.

SULLIVAN, J., and BARNES, J., concur.